

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 13273 of 2004

Between:

M/s Kalpana Chemiclas Ltd., Raod No.5, IDA, Nacharam, Hyderabad-500 076
Represented by its Chairman and Managing Director Sri B.N.Murthy. Now rep. by
General Manager, K.V.S.Prabhakar Rao, S/o K.S.H.Bhavanarayana aged about 52
years

..... PETITIONER

AND

- 1 Employees Provident Fund Organisation Andhra Pradesh Barkatpura,
Hyderabad-27, rep. by its Regional Provident Fund Commissioner, Hyderabad
- 2 Recovery Officer/Asst. Provident Fund Commissioner, Enforcement, Employees
Provident Fund Organisation, Andhra Pradesh, Barkatpura, Hyderabad-27
- 3 Enforcement Officer Circle II, employees Provident Fund organisation Andhra
Pradesh, Barkatpura, Hyderabad-27

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court will be pleased to
issue a writ, order or direction more in the nature of Writ of Mandamus declaring the
impugned Notice to show cause why a warrant of arrest should not be issued vide
notice Ref.No.AP/62444/Recovery Cell/2004/951 dt. 30/06/2004 issued by the 2nd
respondent herein against the petitioner herein and also a notice of prosecution
No.AP./6244/EO/ZONE/Cir-II/2004 dt. 30/06/2004 issued by the 3rd respondent
against the petitioner herein as void and illegal

Counsel for the Petitioner: MR.V.HARI HARAN

**Counsel for the Respondent No.: MR.R.N.REDDY (SC FOR EMPLOY'S PF
ORG.)**

The Court made the following :

ORAL ORDER :

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Heard the learned counsel for petitioner and also learned counsel for the respondents.

Learned counsel for petitioner is not disputing the liability of the amounts due under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 which is now sought to be recovered, but only seeks the indulgence of the court that petitioner may be permitted to pay the same by way of instalments. Learned counsel for petitioner agreed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) on or before 10th of August 2004 and at Rs.75,000/-(Rupees seventy five thousand only) on every succeeding month till the amount due is cleared. Learned counsel for the respondents has not objected for the same.

In view of the same, the petitioner shall not be arrested for due recovery of the said amounts. If the petitioner failed to deposit the amounts as agreed, it is open for the respondents to recover the dues as per law.

Writ Petition is accordingly disposed of. No costs.

Dt. 29-7-2004 A. GOPAL REDDY. J

Kvrk

To

- 1 Regional Provident Fund Commissioner, Employees Provident Fund Organisation, Andhra Pradesh, Barkatpura, Hyderabad-27,
- 2 Recovery Officer/Asst. Provident Fund Commissioner, Enforcement , Employees Provident Fund Organisation, Andhra Pradesh , Barkatpura, Hyderabad-27
- 3 Enforcement Officer Circle II, employees Provident Fund organisation Andhra Pradesh , Barkatpura, Hyderabad-27
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